

Appl. No. 10/824,615
Amendment dated April 13, 2005
Reply to Office action of October 13, 2004

Amendments to the Drawings:

The attached sheets of drawings includes changes to FIGS. 1, 2, and 3A-3C. These sheets, which include FIGS. 1, 2, and 3A-3C, replace the original sheets including FIGS. 1, 2, and 3A-3C.

Attachment: Replacement Sheets

Remarks/Arguments

Please reconsider the application in view of the above amendments and the following remarks.

Status of Claims

Claims 1-19 were rejected. Claims 5-9, 15-16, and 19 have been canceled and claims 1, 11, 12 and 18 have been amended. Claims 1-4, 10-14 and 17-18 remain pending.

Objections

The drawings are objected to because they are rough and blurred and because there is improper shading around all of the lines. Applicant respectfully traverses this objection.

Applicant submits that the drawings comply with 37 CFR 1.84. In particular, applicant submits that the lines used in FIGS. 1, 2, and 3A-3C have "satisfactory reproduction characteristics," as required by 37 CFR 1.84(l). Indeed, the drawings were accepted by the Office for publication.

Notwithstanding applicant's traversal, applicant submits a proposed drawing correction that would improve the clarity of the lines and remove the shading around the lines. Applicant submits that proposed corrected drawings comply with 37 CFR 1.84 and requests approval of the proposed drawing correction.

Claim 18 is objected to because of informalities. Pursuant to the examiner's suggestion, applicant has changed the dependency of claim 18 to claim 17 rather than claim 16.

Accordingly, applicant requests that this objection be withdrawn.

Rejections under 35 U.S.C. §102

Claims 1-8, 11-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,857,158 to Maloney ("Maloney"). Independent claim 1 has been amended to incorporate the subject matter of dependent claim 9. Independent claim 12 has been amended to

incorporate the subject matter of dependent claim 19. Because dependent claims 9 and 19 have not been rejected over Maloney, applicant submits that this rejection under 35 U.S.C. 102(b) has been overcome and requests that the rejection be withdrawn.

Claims 1-8 and 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,005,507 to Yamazaki ("Yamazaki"). Because dependent claims 9 and 19 have not been rejected over Yamazaki and independent claims 1 and 12 have been amended to incorporate the subject matter of dependent claims 9 and 19, respectively, applicant submits that this rejection under 35 U.S.C. 102(b) has been overcome and requests that the rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney or Yamazaki in view of U.S. Patent No. 1,392,950 to Lawrence ("Lawrence"). Applicant respectfully traverses this rejection.

Applicant submits that one of ordinary skill in the art would not have been motivated to combine Lawrence with either Maloney or Yamazaki. The Office action asserts that the arms 5 in Lawrence are protruding portions, which may be used in Maloney or Yamazaki to "provide a larger biasing force and area to a member to be retained by the pin." Both Maloney and Yamazaki disclose a rigid housing or casing around the pin to conceal the pin and prevent injury (see Maloney, page 1, lines 7-12; Yamazaki, col. 1, lines 21-25). In contrast, the arms 5 taught by Lawrence do not conceal the pin. To replace the housing or casing in Maloney or Yamazaki with arms, such as those taught by Lawrence, would render the devices in Maloney or Yamazaki unsatisfactory for their intended purpose and would change the principle of operation of these

devices. For this reason, applicant submits that this proposed modification would not have been obvious. See MPEP 2143.01.

Moreover, applicant submits that even if the references are combined, the combination fails to teach or suggest all of the claimed elements and limitations. Amended independent claims 1 and 12, incorporating the subject matter of dependent claims 9 and 19, now recite "protruding portions extending outwardly from said second portion on each side of said second portion." Independent claims 1 and 12 also recite a second portion that is deflected and applies an opposing force against a first portion of the outer member when the pin is extended into a substrate. Lawrence, Maloney and Yamazaki all fail to disclose or suggest such a second portion. The Office action asserts that part of the coil spring 22 in Maloney is a second portion of the outer member and that the bottom wall 25 in Yamazaki is a second portion of the outer member. Neither of these structures, however, are engaged by an outer member first portion that is either coupled to a grasping member (recited in claim 1) or that has the pin extending therefrom (recited in claim 12). For this additional reason, applicant submits that the Office action fails to establish a *prima facie* case of obviousness.

Accordingly, applicant requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated October 13, 2004 and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

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(Reference Number MAN004).

Respectfully submitted,

GROSSMAN, TUCKER, PERREAULT &
PFLEGER PLLC

Date: April 13, 2005

By: 

Kevin J. Carroll, Reg. No. 36,384

55 S. Commercial Street
Manchester, NH 03101
Telephone: (603) 668-6560
Facsimile: (603) 668-2970